

City Council Regular Meeting, May 14, 2002

Twin Pines Senior and Community Center, 1223 Ralston Avenue

**REGULAR MEETING - 7:40 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Metropulos, Cook, Wright, Bauer, Warden

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Acting Public Works Director Jones, Finance Director Fil, Commander Mattei, IT Manager Harnish, Human Resources Director Dolan, Deputy City Clerk Harrington

**ANNOUNCEMENT OF CLOSED SESSION ITEMS**

Mayor Warden announced that at the Closed Session on April 23<sup>rd</sup> direction given, no action taken.

**PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Ms. Jacobi**, 2030 Lyon Avenue, thanked the councilmembers who joined the Friends of the Belmont Library. Ms. Jacobi encouraged citizens to attend the May 28<sup>th</sup> Council meeting to support the library grant application. She announced that Kevin Hurl, a Steinbeck Scholar from Notre Dame de Namur University, will conduct a lecture on June 4, 2002 at the library.

**COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

**C. Metropulos**, announced that the Carlmont High School Dance Department would hold their annual dance concert from May 15 - 18, the Music Department would have a concert on the 22 and 23, and the Girls Softball team seeded first in their division and would start playoffs.

**C. Warden** announced the Belmont Farmers Market would open on May 19<sup>th</sup> at 9am and would be held every Sunday through November 17<sup>th</sup>.

**C. Cook**, attended the Notre Dame de Namur graduation and commended the University and the Police Department for the coordinating the 5,000 people who attended the ceremony.

**C. Bauer,** stated he attended the graduation which was the first one held on campus.

### **AGENDA AMENDMENTS**

Items 4-K Stop at Harbor, 4-L Stop at Old County Road, and 4-M HRO Ordinance pulled for separate consideration.

### **CONSENT CALENDAR**

**Approval of meeting minutes:** Regular and Special Meetings of April 9, 2002.

**Approval of Warrant Lists** Dated: April 19, 2002 in total amount of \$215,205.71, and dated April 26, 2002 in total amount of \$89,537.92 and dated May 3, 2002 in total amount of \$712,619.35.

**Approval of** Written Communication 1). Notice of Applic. for gas and electric revenue increase to fund the CA alternative rates for energy program (PG&E) rec. 5/1/02; 2). FCC Preemption of cable modem franchise fees, local control of ROW, Varnum, Riddering, Schmidt Howlett, rec. 5/6/02.

**Motion** to approve Claims Management Report.

**Motion** to waive reading of Ordinances.

**Resolution No. 9230** approving Plans and Specifications and authorization to advertise for sealed bids for the Gordon Avenue/Hill Street Improvement Project, CCN-422. (Bid opening 6/18; 2:00 P.M.)

**Resolution No. 9231** approving the Plans and Specifications and Authorization to Advertise for sealed bids for the Alameda de las Pulgas, Miller, Barclay, and Monte Cresta Storm Drainage Improvement Project, CCN-434. (Bid opening 6/18; 2:15 P.M.)

**Resolution No. 9232** approving Plans and Specifications and authorization to advertise for sealed bids for the Waltermire Street/Fifth Avenue Improvement Project, CCN 417. (Bid opening 6/18; 2:30 P.M.)

**Resolution No. 9233** authorizing issuance of a Second Purchase Order to ASAP Software Express Inc. in the amount of \$33,973.99 for the second installment of a Microsoft Enterprise Agreement.

**Resolution No. 9234** approving a Permanent Encroachment Agreement for construction of Retaining Walls within the public right-of-way at 2936 Alhambra Drive. (APN: 043-232-100, -220; Owner M/M Siebert)

**Resolution No. 9235** approving the Joint Use Cooperative Agreements between the City of Belmont, San Mateo County Library JPA, Belmont/Redwood Shores School District and the Sequoia Union High School District.

Consent Calendar approved as amended on motion by C. Wright, seconded by C. Cook and approved unanimously, by a show of hands.

**PULLED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION:**

**Consideration of a Resolution approving establishment of a four-way stop at the Intersection of Harbor Blvd. and Sunnyslope Avenue.**

Acting Public Works Director Jones stated that the Traffic Safety Committee received a request from residents of the neighborhood for a four-way stop. He stated the Traffic Safety Committee recommended that the intersection be converted to a four way stop.

City Manager Kersnar noted that staff received some objections and they were included in a memorandum to the City Council.

**Action:** on motion by C. Cook, seconded by C. Wright an approved unanimously by a show of hands to adopt:

**Resolution No. 9236** approving establishment of a four-way stop at the intersection of Harbor Boulevard and Sunnyslope Avenue.

C. Cook requested staff to follow up with the citizens listed in the memorandum.

**Consideration of Resolution approving relocation of Stop Sign southbound on Old County Road at Masonic Way.**

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Acting Public Works Director Jones stated this intersection was put in shortly after the grade separation at the request of the dry cleaners, the Traffic Safety Committee evaluated it at that time and moved the stop sign to the

north side of the intersection at southbound Old County Road to help people access the dry cleaner.

Acting Public Works Director Jones stated that pedestrians have had their right of way violated by vehicles that stop at the stop sign, but do not stop for pedestrians at the crosswalk. He stated the intersection confused drivers because of the location of the stop sign. Staff would look for other ways to provide easier access to the dry cleaners.

C. Warden noted that this intersection was in the Safe Routes to School Program and this would not be the final solution for that intersection.

Acting Public Works Director Jones stated that the study performed under the Safe Routes to School Program is looking to add more protection for the pedestrians by putting in street lighted crosswalks that will alert drivers that pedestrians are at the intersection, possibly better overall lighting at the intersection and textured paving.

**Mr. Dolan**, 975 Springfield Dr., San Carlos, owner of Richard's Dry Cleaners noted the original request to move the stop sign came from Sergeant Halleran and former Public Works Director Curtis. He requested Council postpone the decision until Public Works Director Davis started working for Belmont, who may have other ideas for the intersection.

**Mr. Engvall**, 825 Old County Road, stated a resident was almost hit by a car in the crosswalk. He uses the crosswalk and requested that the stop sign be moved back.

Council discussed pedestrian safety and access to the dry cleaners.

**Action:** On motion by C. Cook, seconded by C. Warden and approved unanimously by a show of hands to adopt:

**Resolution No. 9237** approving relocation of Stop Sign southbound on Old County Road at Masonic Way.

**Consideration of Ordinance amending Section 4.7 (Hillside Residential and Open Space (HRO) Districts) of Belmont Zoning Ordinance 360. (2<sup>nd</sup> reading and adoption).**

C. Bauer stated he pulled this item from the consent calendar so the council could vote for this separately.

**Mr. Rukstales**, 2430 Hastings questioned the noticing of property owners and the long term land use plan and density for the area. He further asked if there were planned higher density uses for development around Hastings Drive. He questioned the number of dwelling units per acre allowed on the hillside and how that compares to the zoning classification of Hastings Drive.

Community Development Director Ewing stated more than 1,000 property owners were affected by this ordinance, per State Law a notice was placed in the newspaper. He suggested Mr. Rukstales contact staff for detailed answers to his questions.

**Action:** on motion by C. Cook, seconded by C. Metropulos and approved by a show of hands of 4/1 (Bauer No) to adopt:

**Ordinance No. 979** amending Section 4.7 (Hillside Residential and Open Space (HRO) Districts) of Belmont Zoning Ordinance 360

## **PUBLIC/HEARINGS**

**Continued Public Hearing to consider an appeal filed on February 28, 2002, by Mr. Steven Eckert, regarding Planning Commission Action taken on February 19, 2002, denying a Setback Variance to allow a proposed deck expansion to encroach into the required 15-foot rear yard setback for property located at 1814 Oak Knoll Drive, being Portion of Lot 8, Block 9, Belmont Country Club Properties Subdivision No. 1, Assessor's Parcel No. 044-064-080.(hearing continued from 3/26)**

Principal Planner de Melo stated the Appellant requested approval of a setback variance for the subject property to allow an expansion of an existing rear exterior deck 4 feet into the rear yard setback. This single family residence has an existing deck which extends out the upper level 6 feet in depth, leaving the required minimum setback of 15 feet. This deck extends the entire 40-foot width of the residence for a total of approximately 240 square feet. This is the deck proposed for expansion. The existing residence is situated on a downslope lot with an average slope of approximately 30%. The rear yard is accessible by the exterior steps on the right side of the house and from inside the house, through the bathroom located on the lower level. There was a small level patio with landscaping and trees extending approximately 6 feet off the rear of the house.

Principal Planner de Melo stated that in addition to state law, Belmont's ordinances outline findings that must be made based on the evidence presented to the Planning Commission in order to grant a variance. Each of

these variance findings must be supported by the evidence or the Commission is precluded from granting the variance. The Planning Commission was unable to make findings (a) and (e).

Principal Planner de Melo stated that in order to overturn or modify the decision of the Planning Commission, the Council must come to the conclusion that the evidence does not support the Planning Commission's decision.

Principal Planner de Melo stated that Finding (a) indicates, "The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Plan." The Planning Commission determined this would not result in practical difficulty or unnecessary physical hardship for the Appellant.. The Planning Commission Resolution reached its conclusion because there are similar lots in size, topography, shape and configuration in the area where the Appellant's property is located. The dwelling unit existing on the Appellant's property already has decking which is directly accessible from the living room areas of the house. That provides recreational open space for the property. The size and area of the dwelling unit's deck is similar to that of other properties in the neighborhood. The Appellant also has a fully improved rear yard patio which provides additional recreational space opportunities. That patio is directly accessible via a finished floor area on the lower level of the dwelling.

Principal Planner de Melo stated the Planning Commission was also unable to make finding (e) in the affirmative. Finding (e) required that in order to grant a variance, the Commission must determine that the granting of the variance would not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity. The neighbors directly adjacent and downslope from the Appellant's property testified that if the proposed deck were built, they would lose privacy, light and a portion of their open space. The Planning Commission determined that the granting of the variance would be detrimental to the public health and safety and be materially injurious to other properties in the vicinity.

Principal Planner de Melo stated that the Appellant has not indicated why he thought the Planning Commission reached an incorrect result in regard to these two findings. The Appellant raised three issues for Council consideration.

The first issue was that the Commission voted unanimously against this variance after twice voting unanimously for a variance for an adjacent property that is the "same size with the same encroachment for a larger

deck on the same building." The Planning Commission discussed why the Appellant's property was not identical to an adjacent property on which a deck extension was approved. The fact that a variance was granted for the adjacent property does not require that a variance must be granted in this instance.

The second ground for appeal is the Appellant's belief that the Commissioners entered "false statements into the record at this hearing, about the Commissioners' own voting records and discussions at prior hearings." The Appellant believes they also entered false statements into the record about the physical characteristics of the two lots. Staff does not believe, based on its review of the record and the file for this property, that any false statement about the physical characteristics of the two lots was made by the Planning Commission.

The third ground for appeal is that the Commission allowed a neighbor to repeat false allegations against the Appellant that had been investigated and refuted by the City of Belmont. Mr. Eckert complains that no factual correction of false statements was allowed and the disputed item was not investigated. As with the first two grounds for appeal, Mr. Eckert has not indicated how this ground of appeal relates to the Planning Commission's conclusions in regard to findings (a) and (e).

Principal Planner de Melo stated that the Appellant has not given the City Council any evidence that the Planning Commission abused its discretion in determining that it could not make findings (a) and (e). Absent information of this nature, there is no basis upon which to overturn or modify the Planning Commission's decision.

In response to C. Metropulos, Principal Planner de Melo stated staff had originally recommended approval of the variance.

Councilmembers Metropulos, Wright, Cook and Warden stated for the record that they visited the project site.

**Mr. Eckert**, 1814 Oak Knoll, appellant, presented a documents to the City Council (on file in the City Clerk's office) and requested that Council continue the meeting after his presentation.

City Attorney Savaree stated the Zoning Code outlines how this type of hearing was to be conducted and that the Council was not required to continue the matter.

**Mr. Eckert,** stated he had evidence to present, mostly because the Commission's reasons for treating his house differently than the one next door kept changing. He stated he would prefer the Council stipulate to three findings not addressed in the Commission's findings so they could focus on the two they had trouble with.

Mr. Eckert outlined the materials he presented to Council: 1). Letters from 1816 Oak Knoll and from three downslope neighbors supporting the variance. 2). A house for sale flyer from the one neighbor who objected to the variance. 3). A Letter from Building Official Cyr, indicating a complaint about an illegal unit in our house which Sanchez repeated this year. He stated it was false. 4). An area map showing 1814 Oak Knoll is in a cluster of four uniquely small lots and plot maps showing 1814 has the smallest deck in that cluster. 5). Detailed plans of the house showing easements, retaining walls and the current deck. There is a side elevation in photos showing the downslope site lines and screening. 6). A prescriptive easement recorded against the property that reduced the size of the backyard. 7). A page outlining items the Planning Commission treated differently for us than for the 1814 Oak Knoll. 8). A detailed rebuttal of the Planning Commission findings. 9). A detailed response to this City Council staff report. 10). There are quotes of Commissioners showing that they improperly favor illegal construction over permitted construction. 11). A page showing false statements from the hearing for which no corrections were allowed. 12). Analysis and evidence supporting each of the five variance findings.

Mr. Eckert stated the job of the Planning Commission was to enforce Council policy. He stated the Planning Commission addressed their interpretation of findings to support the projects they liked. He requested the City Council to enforce fairness by following through on Resolution No. 8699, which stated that a variance for 1816 would set a precedent. He thought the Council sent a message to the Commission with that resolution and with full knowledge, they went ahead and set that precedent. You had been told that I would apply for a variance if 1816 received one and you chose not to challenge the second Commission vote in 2001 when I told you at the time there would be no appeal. Since you, the City Council, passed a resolution establishing the expectation of the precedent for this particular pair of properties, it is now your duty, to grant a second variance. Not a single Commissioner agreed with the staff report. Twice in a row, two deck hearings, no one agreed.

Mr. Eckert stated that Finding (a) says, "the size and area of the subject dwelling decks are similar to that of other properties in the neighborhood." This was false, there were three huge decks next to his small deck. He further stated that in previous findings, the Commission said that standard lots in the area typically allow, "construction of a deck similar to or larger



than the existing twelve foot deck at 1816." We are only asking for 10. Finding (b) started with the words, "based on testimony of the neighbors at a public hearing." The Commission disallowed rebuttal of that testimony. He stated the testimony was false regarding that there was a blockage of site line. The trees and roofline define how much sunlight can go into the Sanchez's backyard. He stated the new deck extension would not impinge on the sunlight line. He stated that if you cut down the trees and drew a line to the fence and the roof, the impingement of the new deck extension matched the impingement of the upper deck. If the Sanchez testimony is wrong then the finding of the Planning Commission is wrong.

**Ms. Sanchez,** 1915 Hillman stated her house was directly under the slope of Mr. Eckert's property. She recently held an open house but did not get very many offers because her house is on a small lot and is very close to Mr. Eckert's property. Ms. Sanchez stated that if the Council approved this variance, then his property would be even closer to hers. She noted that she and her husband have written to the City Council on this subject (on file in the City Clerk's office) and hoped the Council considers the letters when making the decision.

**Mr. Connelly,** 1810 Oak Knoll Dr, stated the deck was not going to effect the view of any neighbors. The backyard was on a downslope and Mr. Eckert could make use of a deck.

**Mrs. Eckert,** 1814 Oak Knoll, noted she was not listed on the appeal and would speak as a separate person. She thanked the neighbors who supported the project and presented a letter from a neighbor (On file in the City Clerk's office). She stated they have been treated unfairly due to dishonest testimony and incorrect information. They want to expand the deck into our rear setback by an amount matching that of the property next door. These neighbors have written a letter in support of this variance and we have signatures from 30 neighbors supporting the project. As originally constructed, both houses have rear exits, neither of which is suitable for guest events. 1816 has a rear door through unfinished space while we have a rear door through a bathroom.

Mrs. Eckert stated that the neighbors, who exit through unfinished space to a three foot larger backyard, were deemed not to have enough useful yard space and are thus entitled to have a much larger upper deck. She stated that statements in the packet could be viewed as honest mistakes or just a difference of opinion. But when taken as a whole, there was bias, abuse of discretion and unfairness. She noted that the only neighbor with complaints against the project is selling their house and will not be personally impacted by an expanded deck. She guessed their false statements were to keep

construction from happening while they were selling their house. These complaints were not verified and were listed by the Commission as a prime reason denying the variance. She stated it was not fair.

On Motion by C. Wright, seconded by C. Bauer and approved unanimously, by a show of hands, to close the public hearing.

**Recess 8:35p.m.**

**Reconvene 8:40p.m.**

C. Warden invited Mr. Eckert to specifically rebut any testimony presented.

Mr. Eckert stated he rebutted the comments before they were made and declined commenting at this time, however he was available to answer any questions Council may have.

C. Wright questioned what were the significant differences between this and the Sirenko's project. The only difference was that this was more of an extended balcony than a deck.

Community Development Director Ewing stated it was a question of semantics. They were dealing with a physical platform with a railing around it at a certain size. It was a matter of encroachment.

C. Warden clarified that the issue with a variance is the rear yard setback regardless of what actually extended into the rear yard.

City Attorney Savaree stated that California Courts have ruled that variances are to be looked at on a case by case basis. A variance is a special exception to the zoning ordinances. In order to do that, the state law says that you have to make all of these findings that are in your staff report. Variances are to be granted sparingly because people are being allowed exceptions to the zoning ordinance. In order to grant those variances, there has to be evidence that would allow the Planning Commission, or in this case Council, to conclude that they, the applicant met each one of these findings. The only findings that Council has to consider in this case are the two that the Planning Commission indicated it could not make in the affirmative.

City Attorney Savaree suggested that Council consider whether they have heard evidence that would explain why they should reach a different conclusion. Has anybody shown you that the Planning Commission abused its discretion or reached the wrong conclusion based on the evidence which it received.

City Attorney Savaree agreed with C. Warden that the courts generally do not look at any type of precedence in regards to variances at different properties.

C. Warden stated they needed to confine discussion to the five findings of fact to the variance and specifically findings (a) and (e) that the Planning Commission were unable to make.

C. Bauer stated the appellant had 30 neighbors in support of this project and there were 60 people who supported the Sirenko project. He wondered if the appellant had any evidence of if these other people supported the Eckert project.

In response to C. Bauer, Community Development Director Ewing stated that the application was for a variance requested encroaching 4 feet. The beams could not encroach further and the design would have to be modified for the deck and all the supports would be only that additional 4 feet.

Principal Planner deMelo added that the applicant indicated that if the variance were to be approved, he would modify the design of the deck structure so that those posts would not extend further than the exterior edge.

C. Warden stated he was on the Council when they considered the variance application for 1816 Oak Knoll. Council voted to overturn the variance based on the appeal filed by Mr. Eckert. He agreed with Mr. Eckert that the deck should not have been approved and voted against it. He could not make the findings for this deck because it is inconsistent in terms of policy. He thought this was a significant encroachment into the rear yard. There were reasons why the City had rear yard setbacks, and he could not make the findings that this is a physical hardship.

C. Cook stated this home, as well as other homes in Belmont, was on a substandard lot. Considering finding (e), we discussed the testimony of the neighbors and the drawing that Mr. Eckert had regarding light. There is a reason why we have setbacks, because it is the encroachment of the space regardless of light. There is access to backyard space, there is an existing deck, so I would agree with the Planning Commission that there is no unnecessary hardship. Their misrepresentations or comments about other things, it does not appear that the Planning Commission used those in its determination. I do not see in any of the documentation that they were used to make these findings or not make the findings.

C. Wright stated he looked at these two items in terms of their decision making, as being a subjective process. Granted there were five people who subjectively agreed that this ought to be denied, but as one Councilmember, I disagree. We are talking about giving people the right to have 4 more feet on their deck. And as I look at number (a) because of the previous appeal, I did visit their home and, they have access to a very small patio and their yard. That is their outdoor living space. It is not much. As far as (e), I can find that they really don't have much place to go outside. As far as letter (e) is concerned, it is one neighbor considered in terms of the site lines and the sun, and while I respect that a good deal, it is one person. C. Wright stated he could make the findings.

C. Metropulos agreed with C. Wright that it was subjective. He noted that they had a small patio and when he visited in the late afternoon, it was already pretty dark. He agreed that the space was not that useable and if the variance was approved, Mr. Eckert would be drilling right through the middle of the patio for the posts.

C. Bauer agreed with C. Wright, it was only 4 feet, however, he could not make some of the findings either. He wondered how both could be done.

City Attorney Savaree stated that in order to grant a variance, you have to be able to make each one of these findings. If you can't make one of them, you cannot grant the variance.

C. Bauer moved to table the item. Motion died for lack of a second.

**Action:** on Motion by C. Cook, seconded by C. Warden and approved by roll call vote 3/2 (Metropulos/Wright No) to adopt:

**Resolution No. 9238** upholding the Planning Commission's decision to deny a variance at 1814 Oak Knoll Drive(Appl. No. 2001-0356)

**Recess 9:00 p.m.**

**Reconvened at 9:06 p.m.**

**OLD BUSINESS**

**Further Review of Police Facility Options.**

Assistant City Manager Rich stated that per City Council direction at the April 23 meeting, the Police Facility was narrowed down to four options (B-E). Staff estimated 12 to 19 months for pre- construction planning. Actual

construction time would consist of another 12 to 18 months. He pointed out that Option B had a deficiency in parking and Option E would require additional pre-construction and relocation costs. Cost savings could be achieved due to a different bidding environment from the first bid opening.

Assistant City Manager Rich requested Council chose an Option and authorize \$40,000 to make repairs to the existing police facility.

In response Council questions:

Assistant City Manager Rich stated that the employees currently working in the police facility would stay there until construction was completed, only city hall employees would move. Regardless of what option was chosen, a new architect would be needed. The timelines were based on the consultant's best case scenarios.

Community Development Director Ewing stated a Mitigated Negative Declaration would be prepared and the Environmental Review would happen concurrently with the other actions.

**Mr. Price**, Harris and Associates, consultant for the project stated there were value engineering opportunities for this project, moving staff out would have a significant cost savings. To rebid the project as currently planned, would require issuance of an RFP to find an architect and consultants willing to do a peer review and assume the liability of the initial plan. Overall, he thought there was a potential cost savings of 10 to 20 %.

Council discussed the Certificate of Participation Bonds that could be issued for each Option:

Option B \$2.8 million, Option C \$3.35 million, Option D \$5 million, Option E \$800,000.

Finance Director Fil clarified that roughly 25% would go to debt service costs/reserve and 3% would be for the issuance cost. He stated there would be excess revenue created, but it was needed for coverage requirements and the amount would be different for each option.

**Ms. King** 1460 Fifth Avenue stated she thought the police department would like to be housed under one roof and a council chamber was needed.

The City Council discussed in length the various options and what they individually valued.

C. Warden requested a straw poll: Councilmembers Wright and Bauer voted for Option C, Councilmembers Cook, Metropulos and Warden voted for Option E.

C. Wright stated he could support Option E, however he could not support more than \$1 million in Redevelopment Agency Funds for that option. He understood that they could legally use the Redevelopment Funds, but he did not think that was the original intent of the funds.

C. Warden stated he was willing to spend \$2 million out of the remaining \$3.6 million in Redevelopment Agency funds.

C. Bauer stated it was important for underground parking to be a part of the option, to ensure a secure area for police vehicles and the transfer of prisoners.

C. Warden noted there was a gated, secure parking facility in Option E, but it was not underground.

**Action:** on Motion by C. Cook, seconded by C. Metropulos and approved unanimously, by a show of hands to approve:

**Option E (Ekona Plan) and authorizing \$40,000 for repairs to the existing building.**

**Recess 10:10 p.m.**

**Reconvene 10:20 p.m.**

Council concurred to consider the Hastings Traffic Calming Trial item out of order on the agenda

## **BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS**

### **Update on Hastings Traffic Calming Trial.**

Acting Public Works Director Jones stated Hastings Drive was in the trial phase of the plan approved by Council. The plan was installed with the exception of the raised dots, which were on back order. Acting Public Works Director Jones stated that the traffic circle at the intersection of Cliffside and Hastings caused a significant amount of concern. Speed studies were conducted with the traffic circle installed and after it was removed. The speed was measured last Thursday and Friday with the circle in and Monday and Tuesday (this week) without the circle. The speeds went from 26 mph to

26.6 mph, a difference of half a mile. The official speed study of Hastings the last two times, the 85<sup>th</sup> percentile were 31 and 32 mph. (15% of people go over that speed, 85% go that speed or less) There was some reduction in the peak speeds, speeds over 35 mph were reduced in that area. He stated that .6 mph was not a significant change and the remaining traffic calming devices should be modified. He discussed studying using stop signs for traffic calming.

City Manager Kersnar noted that the six month trial period began on May 1, adjustments would be made throughout the trial period. City Manager Kersnar stated that based on the evidence the traffic circle will stay out of the intersection of Cliffside and Hastings, however, the intersection will be studied for other ways to reduce peak speeds.

C. Warden reiterated that the traffic circle was removed and would stay removed, and there was a separate process to determine if a stop sign was warranted at Cliffside and Hastings.

**Meeting Extended at this time, being 10:30 P.M. for 30 minutes.**

**Speakers:**

**Ms. Knudson**, 2413 Hastings Dr. stated that her neighborhood did not have an elected president of a neighborhood association and she agreed with the letters in The Independent. She stated the barriers did not slow down traffic, and they collect dirt. Ms. Knudson stated the barriers prevented guests from parking in front of her house and she wanted them removed. She stated she was not notified of the community meetings held to discuss this.

**Mrs. Morris**, 2286 Hastings Dr. thanked Council for taking out the traffic circle and requested the removal of the other barriers .Mrs. Morris cited an accident over the weekend and children playing on the barriers.

**Mr. Barilla**, 2429 Hastings Dr. submitted written testimony (on file in the Clerk's office) requesting all of the traffic calming devices be removed. He thought they were dangerous, overly intrusive, ugly and expensive. Mr. Barilla suggested the Council look to other alternatives.

**Mr. Hooper**, 26 Cliffside Court stated he was glad the traffic circle was gone. He was concerned that fire trucks would not be able to access the neighborhood. Mr. Hooper stated the remaining devices needed to be repositioned or removed.

**Ms. Hutchinson,** 2525 Hastings Dr. thanked Council for trying to calm the traffic on Hastings Drive, but there was still speeding on the street. Ms. Hutchinson requested removal of the remaining devices and suggested alternatives such as stop signs, radar cameras with auto ticketing for speeders or closing Hastings Drive at the entrance to Witheridge and Club Drive.

**Mrs. Eng,** 2531 Hastings Dr. thanked the Council for addressing the traffic problem. She stated drivers treat the devices like a slalom course. She thought the devices direct traffic close to sidewalks. She thought the traffic devices deteriorated the quality of life, eliminated too many parking spaces, reduced property values and had not achieved the behavior change hoped for.

**Mr. Eng,** 2531 Hastings Dr. stated he was a civil engineer with 30 years experience for San Francisco Public Works. Mr. Eng recommended relocating the crosswalks to spaces where people stop for the view. Install stop signs at each cul de sac intersection on a trial basis and see if that slows traffic down. Mr. Eng noted that the Traffic Calming plan states that stop signs can control traffic speed. He stated they were willing to live with the inconvenience of stop signs. He stated cars use Hastings because of the barricade at Hallmark. He urged council to consider speed humps.

**Mr. Wai,** 2282 Hastings Dr. thanked Council for removing the traffic circle from in front of his house. He requested Council review the goals and requirements of this project. Mr. Wai stated that the traffic devices were worse then the problem that it was trying to solve and the neighborhood should not lose parking spaces because of it. He also thought the voting method for the traffic calming program was confusing. Mr. Wai questioned the formation of the Western Hills Neighborhood Association.

**Ms. Chang,** 2611 Hastings Dr. presented pictures to the Council of the traffic devices and invited the Council to the neighborhood to observe them.

**Ms. Umhofer,** 2511 Hastings Dr. stated there was a need for traffic calming devices, however the current devices were ineffective due to where they were placed. Ms. Umhofer stated the raised dots would be helpful along with police presence.

**Mr. Rukstales,** 2430 Hastings Dr. stated that only strict traffic enforcement would change behavior.



**Ms. Kong**, 2508 Hastings Dr. agreed with the previous comments. She stated the devices did not achieve the goal of slowing cars down and they should considering ticketing or closing off Hastings.

C. Cook discussed the process that led to the traffic calming devices, the six-month trial period, the 83 surveys that were returned with 81% of the people asking for Council to try something and the frustration of the speakers.

**Meeting Extended at this time, being 11:00 P.M. for 10 minutes.**

C. Wright stated a high percentage of neighbors wanted these devices and that is why he originally voted for the plan.

C. Warden stated he was one of the original instigators of the traffic calming process. Council's intention was to make things better for people, but he thought this was a failed experiment. He stated he heard tonight that the neighborhood wanted stop signs.

C. Bauer stated this was an ongoing experiment, certain aspects did not work well but alternatives need to be considered. He agreed that the devices were ugly, but that safety on the street was paramount for everybody.

C. Metropulos agreed it was a frustrating process and they need to work together to change behavior.

C. Warden stated Council heard the concerns of the neighbors and Council will work with staff to make the street more livable.

Acting Public Works Director Jones stated the traffic circles look better when installed in concrete and he would send a crew out to clean the debris from the temporary installation. He stated he would look into adjusting size and locations to provide more parking.

Acting Public Works Director Jones stated notices were sent to Hastings Drive, Witheridge Road and the adjacent courts, however the program called for only the people on the traffic calming street to be surveyed. He stated that stop signs were not to be used for speed control and noted that the Notre Dame neighborhood sent a petition requesting traffic calming, because they do not think the stop signs are enough.

C. Warden clarified stop signs will be considered.

**Meeting Extended at this time, being 11:15 P.M. for 10 minutes.**

C. Cook stated staff needs to work the neighborhood, she was not willing to throw away the program three weeks into it.

C. Wright stated this was a neighborhood choice, not a council decision to make tonight. He further stated that he would support whatever the neighborhood majority decided on.

C. Warden suggested staff have a meeting with the neighborhood to work on the best solution for everybody.

**Consideration of a Resolution authorizing an agreement with Kathy Kern as Interim Administrative Manager.**

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**Action:** on Motion by C. Wright, seconded by C. Bauer and approved unanimously by a show of hands to adopt:

**Resolution No. 9239** authorizing an agreement with Kathy Kern as Interim Administrative Manager.

**Consideration of a Resolution calling and giving notice of a Special Municipal Election to be held on Tuesday, November 5, 2002, for the election of a City Clerk as required by the provisions of the laws of the State of California relating to General Law Cities. (November 5, 2002)**

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**Action:** on Motion by C. Wright, seconded by C. Metropulos and approved unanimously by a show of hands to adopt:

**Resolution No. 9240** calling and giving notices of the holding of a Special Municipal election to be held on Tuesday, November 5, 2002 for the election of a City Clerk as required by the provisions of the laws of the State of California relating to General Law Cities.

**Consideration of a Resolution requesting the Board of Supervisors of the County of San Mateo to Render Specified Services to the City relating to the conduct of a Special Municipal Election to be held on Tuesday, November 5, 2002.**

**Action:** on Motion by C. Wright, seconded by C. Bauer and approved unanimously by a show of hands to adopt:

**Resolution No. 9241** requesting the Board of Supervisors of the County of San Mateo to render specified services to the City relating to the conduct of a Special Municipal Election to be held on Tuesday, November 5, 2002.

## **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

### **Discussion and Direction regarding Citizens Handbook. (Warden)**

C. Warden stated that he wrote the Citizens Handbook in 1999, which the City of San Carlos used.

The City Manager of San Carlos sent a letter of apology and offered to pay for the printing and mailing of the Belmont version of the handbook to all 10,000 households. Council concurred to authorize staff time to update the Handbook.

### **Consideration of reconvening Traffic Calming Task Force to consider amending/clarifying program. (Cook)**

C. Cook stated she reviewed the program and wondered if the program should be adjusted before going any further with it.

City Manager Kersnar stated staff learned from the experience. It was on the priority calendar to review in October and council may want to accelerate it depending on the timing of Hastings and the new public works director reviewing it.

Acting Public Works Director Jones stated the Chula Vista plan has already been approved, but staff will look at the Chula Vista survey and the side street issue.

**ADJOURNMENT** at this time being 11:30 p.m. this meeting was adjourned.

Sheila Harrington

Deputy City Clerk

Meeting tape-recorded and videotaped

Tape No. 527